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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**  
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12 DIONICIO SUAREZ,

13 Plaintiff,

14 vs.

15 AMERICA’S SERVICING  
16 COMPANY; NDEX WEST, LLC; and  
DOES 1-50, INCLUSIVE,

17 Defendants.

Case No. EDCV08-01847 SGL (PJWx)  
Hon. Stephen G. Larson  
Courtroom 1 – Riverside  
Complaint filed: November 12, 2008

**JUDGMENT**

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19 The motion of Defendant WELLS FARGO BANK, N.A. dba AMERICA’S  
20 SERVICING COMPANY to dismiss Plaintiff Dionicio Suarez’s complaint  
21 pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(e) for failure to state a  
22 claim upon which relief can be granted was set to be heard on January 26, 2009.  
23 The Court found the matter suitable for ruling without oral argument.  
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1 After considering all of the papers submitted by the parties, the arguments  
2 therein and good cause appearing:

3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the  
4 motion to dismiss is granted without prejudice. Plaintiff's complaint is dismissed  
5 as to Wells Fargo Bank, N.A. dba America's Servicing Company without  
6 prejudice. Plaintiff is to recover nothing from the Wells Fargo Bank, N.A. dba  
7 America's Servicing Company.

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10 DATED: March 16, 2009

HONORABLE STEPHEN G. LARSON